

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER, State Bar No. 117576
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7
Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2010-203

13 **ASHLEY ANNE BAKER, a.k.a.**
14 **ASHLEY GEORGE, a.k.a.**
ASHLEY SCHWENKE
816 Persifer Street
15 Folsom, California 95630

A C C U S A T I O N

16 Registered Nurse License No. 356298
Public Health Nurse License No. 59404

17 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
23 Department of Consumer Affairs.

24 **Registered Nurse License**

25 2. On or about January 1, 1983, the Board issued Registered Nurse License Number
26 356298, to Ashley Anne Baker, also known as Ashley George, and Ashley Schwenke
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
28 the charges brought herein and will expire on October 31, 2010, unless renewed.

1 **Public Health Nurse License**

2 3. On or about August 18, 1998, the Board issued Public Health Nurse License
3 Number 59404 to Respondent. The Public Health Nurse License was in full force and effect at
4 all times relevant to the charges brought herein and will expire on October 31, 2010, unless
5 renewed.

6 **JURISDICTION**

7 4. Business and Professions Code (Code) section 2750 provides, in pertinent part,
8 that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall
12 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
13 licensee or to render a decision imposing discipline on the license. Under Code section 2811(b),
14 the Board may renew an expired license at any time within eight years after the expiration.

15 **STATUTORY PROVISIONS**

16 6. Code section 2761(a) states, in pertinent part:

17 The board may take disciplinary action against a certified or licensed nurse
18 or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct.

20 7. Code section 2762 states, in pertinent part:

21 In addition to other acts constituting unprofessional conduct within the
22 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
23 for a person licensed under this chapter to do any of the following:

24 (a) Obtain or possess in violation of law, or prescribe, or except as
25 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
26 himself or herself, or furnish or administer to another, any controlled substance as
27 defined in Division 10 (commencing with Section 11000) of the Health and Safety
28 Code or any dangerous drug or dangerous device as defined in Section 4022.

 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
unintelligible entries in any hospital, patient, or other record pertaining to the
substances described in subdivision (a) of this section.

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1 8. Health and Safety Code section 11154(b), states:

2 No person shall knowingly solicit, direct, induce, aid, or encourage a
3 practitioner authorized to write a prescription to unlawfully prescribe, administer,
4 dispense, or furnish a controlled substance.

5 **COST RECOVERY**

6 9. Code section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations
8 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **DRUG**

11 10. **Norco** is a compound consisting of 10 mg. hydrocodone bitartrate, also known as
12 dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code
13 section 11056(e)(4), and 325 mg. acetaminophen per tablet.

14 **BACKGROUND INFORMATION**

15 11. Between October 18, 2004, and July 24, 2007, Respondent was under the care of
16 Dr. Rajagopalan, her primary physician. On or about November 15, 2004, Respondent signed an
17 Opioid Pain Medication Agreement (Agreement), with Dr. Rajagopalan acknowledging and
18 agreeing to the following:

- 19 a. Dr. Rajagopalan is her primary physician.
- 20 b. Dr. Rajagopalan will be the only physician to prescribe opioid pain medication.
- 21 c. Obtaining or attempting to obtain opioid pain medication from other physicians
22 without the knowledge and consent of Dr. Rajagopalan will be in violation of the Agreement.
- 23 d. Respondent is prohibited from sharing opioid pain medications with friends or family
24 members.
- 25 e. Respondent is prohibited from using more than the prescribed amount of opioid pain
26 medications.

27 However, Respondent violated the Agreement, in that between November 8, 2005, and
28 July 10, 2007, Respondent obtained a total of approximately 2,371 Norco tablets from multiple
29 physicians (doctor shopping), while continuing to receive Norco from Dr. Rajagopalan, which

1 totaled approximately 2,750 tablets. Therefore, the combined total of Norco tablets obtained by
2 Respondent between October 18, 2004, and July 24, 2007, is approximately 5,121.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Obtained and Furnished a Controlled Substance)**

5 12. Respondent is subject to discipline under Code section 2761(a), on the grounds of
6 unprofessional conduct as defined in Code section 2762(a), in that between November 8, 2005,
7 and July 10, 2007, while a Registered Nurse, Respondent did the following:

8 a. Between November 8, 2005, and July 10, 2007, Respondent obtained Norco, a
9 controlled substance, by soliciting, directing, inducing, aiding, or encouraging a practitioner
10 authorized to write prescriptions to furnish controlled substances, as defined in Health and Safety
11 Code section 11154(b), by seeking the care of multiple physicians simultaneously for the
12 purposes of obtaining Norco, while also receiving Norco from her primary physician, Dr.
13 Rajagopalan.

14 b. Between October 18, 2004, and July 24, 2007, Respondent furnished Norco, a
15 controlled substance, to another person.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

18 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
19 unprofessional conduct, as defined in Code section 2762(e), in that between June 22, 2005, and
20 June 24, 2005, while employed as a registered nurse at Mercy Hospital of Folsom, located in
21 Folsom, California, Respondent falsified, made grossly incorrect, grossly inconsistent or
22 unintelligible entries in hospital or patient records in the following respects:

23 **Patient A:**

24 a. On or about June 24, 2005, at 2038 hours, Respondent signed out one 10 mg.
25 tablet of Norco without a physician's order. Respondent failed to account for the disposition or
26 wastage of the Norco in any hospital or patient record.

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1 **Patient B:**

2 b. On or about June 24, 2005, at 1539 hours, Respondent signed out one 10 mg.
3 tablet of Norco without a physician's order. Respondent failed to account for the disposition or
4 wastage of the Norco in any hospital or patient record.

5 c. On or about June 24, 2005, at 2041 hours, Respondent signed out one 10 mg.
6 tablet of Norco without a physician's order. Respondent failed to account for the disposition or
7 wastage of the Norco in any hospital or patient record.

8 **Patient C:**

9 d. On or about June 24, 2005, at 1700 hours, Respondent signed out one 10 mg.
10 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
11 or patient record.

12 **Patient D:**

13 e. On or about June 23, 2005, at 1909 hours, Respondent signed out one 10 mg.
14 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
15 or patient record.

16 f. On or about June 24, 2005, at 1050 hours, Respondent signed out one 10 mg.
17 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
18 or patient record.

19 **Patient E:**

20 g. On or about June 23, 2005, at 1519 hours, Respondent signed out one 10 mg.
21 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
22 or patient record. Furthermore, the patient was discharged at 1500 hours.

23 **Patient F:**

24 h. On or about June 23, 2005, at 1324 hours, Respondent signed out one 10 mg.
25 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
26 or patient record.

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1 **Patient G:**

2 i. On or about June 23, 2005, at 1247 hours, Respondent signed out one 10 mg.
3 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
4 or patient record.

5 **Patient H:**

6 j. On or about June 23, 2005, at 1228 hours, Respondent signed out one 10 mg.
7 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
8 or patient record.

9 **Patient I:**

10 k. On or about June 22, 2005, at 2000 hours, Respondent signed out one 10 mg.
11 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
12 or patient record.

13 l. On or about June 23, 2005, at 0654 hours, Respondent signed out one 10 mg.
14 tablet of Norco, but failed to account for the disposition or wastage of the Norco in any hospital
15 or patient record.

16 **Patient J:**

17 m. On or about June 22, 2005, at 1431 hours, Respondent signed out one 10 mg.
18 tablet of Norco without a physician's order, and failed to account for the disposition or wastage
19 of the Norco in any hospital or patient record. Furthermore, the patient was discharged at 1315
20 hours.

21 **Patient K:**

22 n. On or about June 22, 2005, at 1429 hours, Respondent signed out one 10 mg.
23 tablet of Norco, and charted the Norco as being administered at 1530 hours. However, the
24 patient was discharged at 1415 hours (one hour and fifteen minutes earlier).

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Obtained and Possessed a Controlled Substance)**

27 14. Respondent is subject to discipline under Code section 2761(a), on the grounds of
28 unprofessional conduct as defined in Code section 2762(a), in that on or about June 24, 2005,

1 while employed as a registered nurse at Mercy Hospital of Folsom, located in Folsom, California,
2 Respondent did the following:

3 a. Respondent obtained Norco, a controlled substance, by fraud, deceit,
4 misrepresentation or subterfuge or by the concealment of a material fact in violation of Health
5 and Safety Code section 11173(a), by taking two Norco tablets for her own use.

6 b. Respondent possessed Norco, a controlled substance, in violation of Code section
7 4060, in that Respondent did not have a prescription to possess that controlled substance.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 15. Respondent is subject to discipline under Code section 2761(a), on the grounds of
11 unprofessional conduct as defined in Code section 2761(a)(1), in that while employed as a
12 registered nurse at Mercy Hospital of Folsom, located in Folsom, California, Respondent
13 demonstrated unprofessional conduct, in that in or about September 2004, Respondent took two
14 patients' charts home and to a restaurant where they were in view of others, thereby failing to
15 protect the privacy rights of patients.

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 356298, issued to
20 Ashley Anne Baker, also known as Ashley George, and also known as Ashley Schwenke;

21 2. Revoking or suspending Public Health Nurse License Number 59404, issued to
22 Ashley Anne Baker, also known as Ashley George, and also known as Ashley Schwenke;

23 3. Ordering Ashley Anne Baker, also known as Ashley George, and also known as
24 Ashley Schwenke, to pay the Board of Registered Nursing the reasonable costs of the
25 investigation and enforcement of this case, pursuant to Code section 125.3; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED: 10/12/09

for 
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant